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Our ref.: DE 31870

German Patent Application No.: 101 42 584.8-21

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TRANSLATION

of the Official Letter dated August 13, 2004
(rec'd August 23, 2004)

In the present Official Letter the following references are mentioned for the first time (the numbering assigned thereto shall also be adhered to in the further course of the proceedings):

1. DE 41 29 919 A1
2. DE 40 34 351 C2

The examination is based on claims 1 to 14 filed on the application day.

1. Claims 1, 5, 7, 11, 12 and 13 are formulated as independent claims. However, it cannot be recognized that the conditions of an independent filing are fulfilled, namely to solve the same object in a different way, independently of claim 1. In the present case, in claim 5, the necessary brake force control is applied merely to one wheel, whereas according to claim 1, two wheels of an axle shall be subject to brake force control. It is not obvious how claims 5 and 7 shall differ from each other substantially. In claims 11, 12 and 13, the features of claims 1, 5 and 7 are again listed in corresponding method claims.

2. With respect to the prior art, the pre-published references 1 and 2 were traced. Reference 1 discloses a parking brake system for motor vehicles which acts on a right and a left wheel of an axle. As drive power source, an electric motor is provided which can both jointly act on the two brakes and of which there may also be two for operating the wheel brakes separately. Furthermore, an anti-lock system is provided (cf. claim 35 and the corresponding description) which prevents the wheels from being blocked upon operations of the parking brake by the electronic control device while driving. For the mode of operation of common anti-lock systems, it is, for example, referred to document 2. This reference inter alia also discloses the so-called "select-low" control which controls the braking force of both wheels of an axle jointly on the basis of the "slip state" of that wheel which exhibits a greater change in a state of wheel rotation. Thus, the subject matter of the present claim 1 is rendered obvious by a joint consideration of references 1 and 2. Claim 1 can no longer be allowed, as its subject matter is not based on an inventive activity.

A so-called anti-spin regulation (ASR) can also be gathered from reference 1 (cf. claim 18 and the corresponding description) so that also the independent claims 5 and 7 result in an obvious manner from reference 1 when taking into consideration the knowledge of the person skilled in the pertinent art. The same applies analogously to method claims 11, 12, and 13.

3. The subclaims relate to their respective method claim. As these are not allowable, also the subclaims cannot be allowed if only for formal reasons. Besides, they

obviously contain simple constructional embodiments which can basically also already be gathered from the references. It is not evident that an independent inventive significance could be attributed to these embodiments.

In view of the described circumstances, the grant of the patent can be envisaged on the basis of the present documents.

If the application shall be further pursued, newly formulated claims are to be filed and the references are to be discussed.

Examining Division for class B 60 T
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Enclosures:
2 references